

HB0674



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0674

Introduced 02/06/09, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

520 ILCS 5/1.2k-1 new
520 ILCS 5/2.26

from Ch. 61, par. 2.26

Amends the Wildlife Code. Requires the Department of Natural Resources to issue deer permits without charge to the immediate family of an Illinois landowner who resides in Illinois, owns at least 40 acres of Illinois land, and wishes to hunt his or her land; however, those permits are valid for hunting only on that landowner's land. Members of a landowner's immediate family who do not wish to hunt only on land owned by their immediate family member shall be charged the same fee as the landowner. Defines "immediate family". Effective immediately.

LRB096 03427 JDS 13451 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Wildlife Code is amended by changing Section
5 2.26 and by adding Section 1.2k-1 as follows:

6 (520 ILCS 5/1.2k-1 new)

7 Sec. 1.2k-1. Immediate family. "Immediate family" means a
8 person's spouse, parent, grandparent, child, grandchild,
9 brother, sister, mother-in-law, father-in-law, brother-in-law,
10 sister-in-law, daughter-in-law, or son-in-law. "Immediate
11 family" includes adopted or step members of a person's family.

12 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

13 Sec. 2.26. Deer hunting permits. In this Section, "bona
14 fide equity shareholder" means an individual who (1) purchased,
15 for market price, publicly sold stock shares in a corporation,
16 purchased shares of a privately-held corporation for a value
17 equal to the percentage of the appraised value of the corporate
18 assets represented by the ownership in the corporation, or is a
19 member of a closely-held family-owned corporation and has
20 purchased or been gifted with shares of stock in the
21 corporation accurately reflecting his or her percentage of
22 ownership and (2) intends to retain the ownership of the shares

1 of stock for at least 5 years.

2 In this Section, "bona fide equity member" means an
3 individual who (1) (i) became a member upon the formation of
4 the limited liability company or (ii) has purchased a
5 distributional interest in a limited liability company for a
6 value equal to the percentage of the appraised value of the LLC
7 assets represented by the distributional interest in the LLC
8 and subsequently becomes a member of the company pursuant to
9 Article 30 of the Limited Liability Company Act and who (2)
10 intends to retain the membership for at least 5 years.

11 In this Section, "bona fide equity partner" means an
12 individual who (1) (i) became a partner, either general or
13 limited, upon the formation of a partnership or limited
14 partnership, or (ii) has purchased, acquired, or been gifted a
15 partnership interest accurately representing his or her
16 percentage distributional interest in the profits, losses, and
17 assets of a partnership or limited partnership, (2) intends to
18 retain ownership of the partnership interest for at least 5
19 years, and (3) is a resident of Illinois.

20 Any person attempting to take deer shall first obtain a
21 "Deer Hunting Permit" in accordance with prescribed
22 regulations set forth in an Administrative Rule. Deer Hunting
23 Permits shall be issued by the Department. The fee for a Deer
24 Hunting Permit to take deer with either bow and arrow or gun
25 shall not exceed \$15.00 for residents of the State. The
26 Department may by administrative rule provide for non-resident

1 deer hunting permits for which the fee will not exceed \$300 in
2 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
3 provided below for non-resident landowners and non-resident
4 archery hunters. The Department may by administrative rule
5 provide for a non-resident archery deer permit consisting of
6 not more than 2 harvest tags at a total cost not to exceed \$325
7 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits
8 shall be issued without charge to:

9 (a) Illinois landowners residing in Illinois who own at
10 least 40 acres of Illinois land and wish to hunt their land
11 only,

12 (a-5) the immediate family of any Illinois landowner
13 who meets the requirements of item (a) of this Section, for
14 hunting only on that landowner's land,

15 (b) resident tenants of at least 40 acres of commercial
16 agricultural land where they will hunt, and

17 (c) bona ~~Bona~~ fide equity shareholders of a
18 corporation, bona fide equity members of a limited
19 liability company, or bona fide equity partners of a
20 general or limited partnership which owns at least 40 acres
21 of land in a county in Illinois who wish to hunt on the
22 corporation's, company's, or partnership's land only. One
23 permit shall be issued without charge to one bona fide
24 equity shareholder, one bona fide equity member, or one
25 bona fide equity partner for each 40 acres of land owned by
26 the corporation, company, or partnership in a county;

1 however, the number of permits issued without charge to
2 bona fide equity shareholders of any corporation or bona
3 fide equity members of a limited liability company in any
4 county shall not exceed 15, and shall not exceed 3 in the
5 case of bona fide equity partners of a partnership.

6 Bona fide landowners or tenants who do not wish to hunt
7 only on the land they own, rent, or lease or bona fide equity
8 shareholders, bona fide equity members, or bona fide equity
9 partners who do not wish to hunt only on the land owned by the
10 corporation, limited liability company, or partnership shall
11 be charged the same fee as the applicant who is not a
12 landowner, tenant, bona fide equity shareholder, bona fide
13 equity member, or bona fide equity partner. Members of a
14 landowner's immediate family who do not wish to hunt only on
15 land owned by their immediate family member shall be charged
16 the same fee as the landowner. Nonresidents of Illinois who own
17 at least 40 acres of land and wish to hunt on their land only
18 shall be charged a fee set by administrative rule. The method
19 for obtaining these permits shall be prescribed by
20 administrative rule.

21 The deer hunting permit issued without fee shall be valid
22 on all farm lands which the person to whom it is issued owns,
23 leases or rents, except that in the case of a permit issued to
24 a bona fide equity shareholder, bona fide equity member, or
25 bona fide equity partner, the permit shall be valid on all
26 lands owned by the corporation, limited liability company, or

1 partnership in the county.

2 The standards and specifications for use of guns and bow
3 and arrow for deer hunting shall be established by
4 administrative rule.

5 No person may have in his possession any firearm not
6 authorized by administrative rule for a specific hunting season
7 when taking deer.

8 Persons having a firearm deer hunting permit shall be
9 permitted to take deer only during the period from 1/2 hour
10 before sunrise to 1/2 hour after sunset, and only during those
11 days for which an open season is established for the taking of
12 deer by use of shotgun, handgun, or muzzle loading rifle.

13 Persons having an archery deer hunting permit shall be
14 permitted to take deer only during the period from 1/2 hour
15 before sunrise to 1/2 hour after sunset, and only during those
16 days for which an open season is established for the taking of
17 deer by use of bow and arrow.

18 It shall be unlawful for any person to take deer by use of
19 dogs, horses, automobiles, aircraft or other vehicles, or by
20 the use of salt or bait of any kind. An area is considered as
21 baited during the presence of and for 10 consecutive days
22 following the removal of bait. Nothing in this Section shall
23 prohibit the use of a dog to track wounded deer. Any person
24 using a dog for tracking wounded deer must maintain physical
25 control of the dog at all times by means of a maximum 50 foot
26 lead attached to the dog's collar or harness. Tracking wounded

1 deer is permissible at night, but at no time outside of legal
2 deer hunting hours or seasons shall any person handling or
3 accompanying a dog being used for tracking wounded deer be in
4 possession of any firearm or archery device. Persons tracking
5 wounded deer with a dog during the firearm deer seasons shall
6 wear blaze orange as required. Dog handlers tracking wounded
7 deer with a dog are exempt from hunting license and deer permit
8 requirements so long as they are accompanied by the licensed
9 deer hunter who wounded the deer.

10 It shall be unlawful to possess or transport any wild deer
11 which has been injured or killed in any manner upon a public
12 highway or public right-of-way of this State unless exempted by
13 administrative rule.

14 Persons hunting deer must have gun unloaded and no bow and
15 arrow device shall be carried with the arrow in the nocked
16 position during hours when deer hunting is unlawful.

17 It shall be unlawful for any person, having taken the legal
18 limit of deer by gun, to further participate with gun in any
19 deer hunting party.

20 It shall be unlawful for any person, having taken the legal
21 limit of deer by bow and arrow, to further participate with bow
22 and arrow in any deer hunting party.

23 The Department may prohibit upland game hunting during the
24 gun deer season by administrative rule.

25 The Department shall not limit the number of non-resident
26 either sex archery deer hunting permits to less than 20,000.

1 It shall be legal for handicapped persons, as defined in
2 Section 2.33, and persons age 62 or older to utilize a crossbow
3 device, as defined in Department rules, to take deer.

4 Any person who violates any of the provisions of this
5 Section, including administrative rules, shall be guilty of a
6 Class B misdemeanor.

7 (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,
8 eff. 8-21-07; 95-876, eff. 8-21-08.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.